

FILED '11 JUN 20 11:42 USDC-ORM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MAURICE MONTGOMERY,
Plaintiff,

Case No. 1:10-cv-03076-CL

v.

CALIFORNIA WORKERS'
COMPENSATION APPEALS BOARD,
et al.,

ORDER

Defendants.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I agree with Magistrate Judge Clarke that plaintiff has not shown there is personal jurisdiction over defendants; plaintiff cannot state a claim against the State Compensation Insurance Fund; and the Eleventh Amendment bars plaintiff's claims against

the California Workers' Compensation Appeals Board. Accordingly,
I ADOPT the Report and Recommendation.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#34) is
adopted. Defendants' motions to dismiss (##9, 11) are granted.

IT IS SO ORDERED.

DATED this 20 day of June, 2011.

A handwritten signature in black ink, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE